

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TITO KNOX,

Civil No. 10-4845 (JRT/JJG)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

WARDEN B.R. JETT,

Respondent.

Tito Knox, #13813-171, Rochester Federal Medical Center, Post Office Box 4000, Rochester, MN 55903, pro se petitioner.

Gregory Brooker, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, MN 55487 for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated December 10, 2010. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 3], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, [Docket No. 1], is **DENIED**;
2. Petitioner's application for leave to proceed in forma pauperis, [Docket No. 2], is **DENIED**;
3. This action is **DISMISSED** pursuant to 28 U.S.C. § 2244(a).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 2, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge